

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 17-20640

v.

D-7 DAVON MOULTRIE,

Hon. Stephen J. Murphy, III
Magistrate Judge David R. Grand

Defendant.

**REPORT, FINDINGS, AND RECOMMENDATION
CONCERNING DEFENDANT’S GUILTY PLEA**

I. REPORT AND FINDINGS

On October 10, 2018, Defendant Davon Moultrie (“Moultrie”) was charged in a third superseding indictment with one count of RICO conspiracy, in violation of 18 U.S.C. § 1962(d). (Doc. #335). Moultrie was arraigned on December 7, 2018, and a plea hearing was ultimately scheduled for February 1, 2019, before the Honorable Stephen J. Murphy, III. That plea hearing was canceled, however, and Judge Murphy entered an Order referring Moultrie’s plea hearing to the undersigned pursuant to 28 U.S.C. §§ 636(b)(1)(B) and 636(b)(3), also for February 1, 2019, in the duty court courtroom. (Doc. #370).

Moultrie and his counsel appeared before me in duty court on February 1, 2019, and, pursuant to a Rule 11 Plea Agreement, Moultrie plead guilty to Count One of the third superseding indictment – RICO conspiracy, 18 U.S.C. § 1962(d). In open court, I examined Moultrie under oath, and advised and questioned him regarding each of the inquiries prescribed by Rule 11(b) of the Federal Rules of Criminal Procedure.

Based upon Moultrie's answers and demeanor, **I HEREBY FIND** that: (1) Moultrie is competent to enter a plea; (2) Moultrie's plea is entered knowingly, intelligently, and voluntarily, without coercion; and (3) the offense to which Moultrie pleaded guilty is supported by an independent basis in fact containing each of the essential elements of the offense. Therefore, I have ordered the preparation of a presentence investigation report.

II. RECOMMENDATION

For the reasons set forth above, **IT IS RECOMMENDED** that, subject to the Court's consideration of the Plea Agreement pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure, Moultrie's guilty plea be accepted, Moultrie be adjudged guilty of the offense charged, and that the Court impose the sentence it determines is appropriate.

Dated: February 4, 2019
Ann Arbor, Michigan

s/David R. Grand

DAVID R. GRAND
United States Magistrate Judge

NOTICE TO THE PARTIES REGARDING OBJECTIONS

Within 14 days after being served with a copy of this Report, Findings, and Recommendation, any party may serve and file specific written objections to the proposed findings and recommendations set forth above. *See* 28 U.S.C. §636(b)(1); Fed. R. Crim. P. 59(b)(2); E.D. Mich. LR 72.1(d)(1). Failure to timely file objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140, (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). Only specific objections to this Report, Findings, and Recommendation will be preserved for the Court's appellate review; raising some objections but not others will not preserve all objections a party may have. *See Smith v.*

Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987); *see also Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006). Copies of any objections must be served upon the Magistrate Judge. *See* E.D. Mich. LR 72.1(d)(2).

A party may respond to another party's objections within 14 days after being served with a copy. 28 U.S.C. §636(b)(1). Any such response should be concise, and should address specifically, and in the same order raised, each issue presented in the objections.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 4, 2019.

s/Eddrey O. Butts
EDDREY O. BUTTS
Case Manager